

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

APR 10 2009

CLERK, U.S. DISTRICT COURT
BY _____

DEPUTY

DIRK RALPH GORHAM,

§

Petitioner,

§

v.

2:06-CV-0075

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

Respondent.

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**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
and DENYING ISSUANCE OF A CERTIFICATE OF APPEALABILITY**

On March 25, 2009, petitioner filed a notice of appeal and a motion for a certificate of appealability in this Court. On December 5, 2008, the United States Magistrate Judge entered a Report and Recommendation to the undersigned recommending therein that the Petition for a Writ of Habeas Corpus filed by petitioner be denied. Petitioner filed objections to the Report and Recommendation on December 18, 2008. On March 6, 2009, the United States Magistrate Judge filed a Supplement to the December 5, 2008 Report and Recommendation, Petitioner filed objections to this Report and Recommendation on March 17, 2009. An Order overruling all objections, adopting the Report and Recommendation and the Supplemental Report and Recommendation, and denying the habeas application, together with a corresponding Judgment, were entered on March 18, 2009.

On March 26, 2009, the United States Magistrate Judge entered a Report and Recommendation to Deny the Issuance of a Certificate of Appealability. Petitioner filed

objections to this Report and Recommendation on April 3, 2006.

Having considered the record in this case, the undersigned is of the opinion petitioner has not made a *prima facie* showing for issuance of a certificate of appealability under 28 U.S.C. § 2253(c)(1). Consequently, for this reason and the reasons stated in the Report and Recommendation, the Supplement to the Report and Recommendation, and the Order adopting both and denying the petition, a Certificate of Appealability is hereby *denied*.

IT IS SO ORDERED.

ENTERED this 9 day of April 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE